

**DECISION NOTICE AND FINDING OF NO SIGNIFICANT IMPACT
SHOTGUN COVE ROAD ENVIRONMENTAL ASSESSMENT
WHITTIER, ALASKA**

**U.S.D.A. - FOREST SERVICE, CHUGACH NATIONAL FOREST,
GLACIER RANGER DISTRICT, ALASKA**

1.0 INTRODUCTION

1.1 Overview

The purpose of this Decision Notice is to document the factors and rationale I used in making a decision concerning authorization of reconstruction of Segments 1 and 2 of the Shotgun Cove Road near Whittier, Alaska. The Forest Service agreed to be the lead federal agency under a Project Agreement signed by the City of Whittier (the City), Chugach Alaska Corporation (CAC), USDA Forest Service (Forest Service), and Federal Highways Administration (FHWA).

The City is the proponent of the project. The Forest Service is providing the lead federal agency service for the environmental analysis. The FHWA is providing the funding and development authorization. CAC succeeded Chugach Native Inc. and has the authority for granting right of way (ROW) and changes to the existing ROW easement for the potential development of Segment 2 pioneer road across Section 18.

The decision of whether to approve the road reconstruction is based on several factors:

- Is the implementation of the selected alternative in the public interest and meets a public need?
- Is the implementation of the selected alternative feasible and practicable?
- Is the implementation of the selected alternative appropriate for the expenditure of federal funds, subject to the legislative and policy constraints of the individual authorizations and appropriations applicable?

- Can sufficient conditions and mitigation of effects of the selected alternative be implemented in a manner that best meets applicable and relevant law and policy?

This Decision Notice and Finding of No Significant Impact (FONSI) also contains certain findings required by various laws and information concerning the right to Administrative Review of this decision. An environmental assessment (EA) is available for public review in the Forest Supervisor's Office in Anchorage, Alaska, Glacier Ranger District Office in Girdwood, Alaska, and City of Whittier offices. The EA evaluated the environmental consequences, including any cumulative effects, of alternatives for authorizing reconstruction of the Shotgun Cove Road. The EA for this project is incorporated by reference in this decision document.

Funds have been appropriated for this project in the Public Lands Highway Discretionary Program. All projects constructed with federal funding must comply with federal requirements, including compliance with the National Environmental Policy Act (NEPA). The Forest Service is serving as the lead federal agency and under the project agreement is responsible for NEPA compliance of the items included in this decision. Consistent with Council on Environmental Quality (CEQ) regulations, other agencies may adopt the record and may concur in the decision or make their own decision, becoming responsible for the NEPA compliance associated with their respective decisions.

1.2 Project Area Description

The project area lies immediately east of Whittier, on the south side of Passage Canal. The elevation of the project area ranges between sea level and approximately 300 feet. The project area lies along Passage Canal, in western Prince William Sound. The project area extends from the intersection of Eastern Avenue and Blackstone Road in Whittier, to a point above Passage Canal approximately 2.6 miles to the east. Segments 1 and 2 do not provide direct reasonable and feasible access to Forest Service land.

Most of the land in the project area is privately owned. There are no National Forest System lands along the route, although there are National Forest System lands located south and east of the project area.

Segment 2, the existing pioneer road, crosses Chugach Alaska Corporation's land in Section 18. An easement in the 1982 Chugach Natives Incorporated (CNI), Settlement Agreement (CNI 1982), was reserved to the United States (CNI Section 13, B, (20)) for a portion of the route through Section 18 to be administered by the Forest Service. CNI was succeeded by and become CAC.

The easement constitutes an interest in National Forest System land (36 CFR Part 215.2). Section 13, K (2) of the CNI Settlement Agreement requires the United States to assign and convey all right, title, and interest of the Shotgun Cove Road Easement to the State of Alaska. The Bureau of Land Management (BLM) has the authority and responsibility to reassign these rights for the United States and has begun the process to convey this easement to the State of Alaska.

2.0 DECISION AND RATIONALE FOR THE DECISION

2.1 Decision

Based on the EA, comments received on the EA during scoping and the 30-day public review period, and on supporting documents completed for this project in the Project Record, it is my decision to select Alternative 3.

This alternative would allow the following actions:

- Reconstruction of Segment 1, which includes parts of Blackstone Road and Cove Creek Road and realigned road construction;
- Reconstruction of Segment 2, a pioneer road (also called Shotgun Cove Road);
- Construction of a parallel, paved multipurpose path;
- Refurbishment and enhancement of the Salmon Run picnic area and the improvements at the Emerald Cove Trailhead;
- Construction of a new scenic view pullout area at a high point on Segment 2; and
- Modification of the intersection of Eastern Avenue and Whittier Avenue in Whittier to improve traffic flow.

The actions in Alternative 3 are feasible and practicable, are in the public interest, and meet the need for economic development of the area, enhanced recreation opportunities, and safety. This alternative also is the alternative that best meets applicable and relevant laws and policies.

The multipurpose trail will increase safe recreational opportunities for bicycles and pedestrians. The multipurpose trail will generally be located on the Passage Canal (north) side of the road and be separated from vehicular traffic. This trail is similar to multipurpose trails built by Alaska Department of Transportation and Public Facilities (ADOT & PF) elsewhere in the state. Finally, road reconstruction and construction of associated facilities represent an appropriate use of public funds.

2.2 Rationale for the Decision

The project recognizes the need to improve the safety and efficiency of access to private and City and State lands and facilities, and to support economic diversification of Whittier. My decision to select Alternative 3 is based on my finding that the project is in the public interest, as it is consistent with and implements the Whittier Transportation Plan, which was adopted by Resolution N. 642-01 in September 2001. I find that it is an appropriate use of federal funds that have been appropriated and apportioned for the project.

Additionally, my decision to reconstruct, realign, and pave Segments 1 and 2 includes the following reasoning:

- There are established use patterns and access to land holdings that cannot be continued without significant investments in the roadway and bridge infrastructure.
- The City of Whittier has identified the need to improve safety and efficiency of its road system. The road and bridges do not meet standard guidelines for passenger car roads. Alternative 3 meets the public need to improve safety.
- Alternative 3 falls within accepted norms of engineering for projects of this general size and nature, and is practicable and feasible.

- Future economic growth of Whittier is uncertain but likely to improve with the implementation of Alternative 3. Better access is expected to enhance opportunities both for recreation and economic growth.
- The road reconstruction and associated enhancements create the potential for increased tourism and support economic diversification without contributing to significant impacts on environment. The EA demonstrates that potential adverse effects can be mitigated to meet applicable law and policies.

In making my decision, I considered the issues and competing interests and values expressed by the public and agencies. The selected alternative provides access to public and private land and facilities, and is within the framework of existing laws, regulations, policies, public needs and desires, and capabilities of the land, while responding to the purpose and need for the project. The selected alternative is consistent with the Prince William Sound Transportation Plan and the Whittier Transportation Plan.

While construction of a third segment ("Segment 3") has been sporadically discussed since the early 1980s, it is not considered to be a reasonably foreseeable action, and was thus not specifically considered in the EA. The construction of Segment 3 is speculative in nature; it is neither scheduled nor funded. Segment 3 is described as a long-range project in the Whittier Transportation Plan, Chapter IV, pages 30, 31, and 34, Additional Studies Required. Funding for design and analysis has not been appropriated as described in Section V of the Whittier Transportation Plan.

Furthermore, while Segments 1 and 2 follow existing city routes and a pioneer road, Segment 3 is only a speculative undeveloped road corridor. No alignment has been surveyed, designed, or marked on the ground as a pioneer route.

During the public comment period there were comments concerning the selected alternative and Segment 3. I have examined the selected alternative in connection with Segment 3 and conclude that while the selected alternative allows the potential for future analysis and possible construction of Segment 3, it is not dependent on Segment 3 ever being constructed. The proposed use and access provided by the selected alternative will serve both public and private lands into the future as an independent action without consideration of

Segment 3. The selected alternative has independent utility and function for the future regardless of the future of Segment 3. The independent function and utility of Alternative 3 support the finding that the alternative is in the public interest and will provide public benefits.

In making my decision, I carefully considered and balanced the various environmental consequences and tradeoffs between the alternatives, such as the effects of the different widths and surfacing on fish, wildlife, and recreation resources in the area.

2.3 How Issues Were Considered

Comments on resource issues were limited and general in nature; the issues raised in the comments were encompassed in the issues and evaluation criteria developed by the EA resource specialists and agency personnel. The EA resource specialists and the project participants determined the resource issues to be addressed in the EA based upon their respective areas of jurisdiction and expertise, the issues addressed in environmental documents for recent infrastructure improvement projects in the general area, and review of the comments that referenced specific resource concerns or environmental impact issues.

The resource topics presented in Chapter 3 were selected for evaluation based on consideration of the comments and the agencies' internal scoping discussions. Evaluation criteria used to evaluate the effects of alternatives on each resource area were developed based on the project participants' knowledge of similar projects, the area, and general resource issues. Chapter 3 (pages 28 through 83) of the EA provides a comparison by issue for each alternative. The following paragraphs summarize the conclusions of the EA on key issues identified during the public involvement process, and the mitigation required.

Key Issues

Water Resources. Concern was expressed over the effects of road building on water quality, through runoff and sedimentation. Alternative 3 is not likely to have significant effects on water quality, because of the implementation of proper engineering design measures, a paved road surface, and because of the required permits and associated mitigation. A stormwater pollution prevention plan

(SWPPP) including all relevant and appropriate Best Management Practices (BMPs) for controlling erosion and sedimentation and minimizing turbidity will be implemented to control potential impacts to water quality and aquatic resources. Construction activities shall comply with State Water Quality Standards as specified in the Section 401 water quality certification by the Alaska Department of Environmental Conservation (ADEC).

Fisheries. Concerns expressed about fisheries were related to concerns about water quality and sedimentation. Cove Creek 2 contains the only documented Essential Fish Habitat (EFH), although EFH is likely present on the lowermost portion of Second Salmon Run. Effects of Alternative 3 are likely to be highly localized and minimal, and would not reduce the overall value of the EFH. Following completion of the project, revegetation of disturbed areas, along with erosion control measures prescribed by BMPs, is expected to minimize effects to EFH, as state and federal water quality standards would not be exceeded. Additionally, construction at Cove Creek 1 and 2 will be timed to avoid periods when large numbers of pink salmon spawning and egg development, from August to October. All in-water construction activities will be avoided. Construction activity will be kept above the ordinary high water mark.

Wildlife and Threatened, Endangered, or Sensitive (TES) Species. Wildlife and TES species are unlikely to be adversely affected by the project. A biological evaluation (BE) for wildlife was prepared in association with the EA to identify TES species that may be affected by this project. Humpback whales and Steller sea lions are the only listed species likely to be in the project vicinity. As indicated in the BE, whales and sea lions use marine waters in western Prince William Sound but are rarely observed in Passage Canal. They are unlikely to be adversely affected by the project because there is very little habitat or historical use, and no direct habitat contact. This project is not expected to impact any TES species or the critical habitat of these species. Both the U.S. Fish and Wildlife Service and NOAA Fisheries have concurred that the project may affect, but is unlikely to adversely affect, listed species.

Vegetation and Wetlands. Impacts to wetlands have been avoided and minimized to the maximum extent practicable through road alignment selection and design modifications. Direct effects to wetlands under this alternative would include the filling of approximately 1.5 acres of wetland and possible changes in wetland

hydrology. Hydrologic changes could include interception of shallow lateral flow, increases in surface water runoff, and alteration of surface water flow patterns. Much of the potential changes to hydrologic conditions would be avoided by installation of appropriate drainage structures. Remaining hydrologic changes are expected to be minor within or outside of the project corridor. Potential increases in sediment inputs to the wetlands would be avoided or minimized by following the BMPs recommended in the SWPPP and as part of the Section 404 permit. This permit will be obtained and mitigation completed as required by the U.S. Army Corps of Engineers (Corps) to reduce impacts to wetlands. Final design of the road may include adjustments to the multipurpose path alignment to further minimize wetlands filling.

Socioeconomics. The project is expected to have positive effects on the local economy, both in the short and long term. The proposed project would provide indirect economic benefits from development of infrastructure that could support increased tourism through Whittier.

Recreation. Construction activities could temporarily disrupt access to existing recreational facilities within the City and in surrounding lands. Noise from construction activity would temporarily increase along the proposed road during construction. There will be long-term benefits to many forms of recreation. Construction of the road would improve access to and opportunities for recreational activities in the City and surrounding areas. The road construction and enhancements would increase the activity base for hiking, biking, sightseeing, driving for pleasure, and accessing the lands surrounding the proposed road project.

Evaluation of Cumulative Effects

The entire project is within the City of Whittier limits. The area has been partially developed, including the roads that are proposed to be reconstructed. The Alaska Marine Highway System ferry terminal, the Alaska Railroad facility, and the Whittier Tunnel are to the west of the project area. Along Segment 1, several buildings have been built on private land; some have been built on City lands. There are plans to provide high speed ferry service to Whittier; cruise ships are planned to return to Whittier on a regular basis during the summer season.

There are no known future development projects within the project area. While there is private land along both Segments 1 and 2, there

are no specific development plans. As noted above, extension of the Shotgun Cove Road beyond Segment 2 is not considered reasonably foreseeable, because its design is neither scheduled nor funded, and is speculative in nature.

The proposed project would not contribute appreciably to cumulative effects on the physical or human environment for reasons that follow.

Physical Environment. This project will likely result in incremental increases in tourism from improved access to recreation sites. Such incremental increases are expected to be low volume and likely to have minor cumulative effects on air quality, geology and minerals, soils, noise and vibration, floodplains, and hazardous materials. Collectively with other known projects, there would be no significant cumulative effects on these physical resources. In addition, there are no known reasonably foreseeable projects that could contribute to significant cumulative impacts.

Incremental increases in tourism and recreation are likely to have minor cumulative effects on fisheries and water resources, wildlife, and wetlands. Together with potential development of private land along Segments 1 and 2, cumulative effects to biological resources are still likely to be minor and will be mitigated with BMPs, standards and guidelines, and other applicable protective measures used by either the Forest Service or other agencies implementing the project. In addition, there are no known reasonably foreseeable projects that could contribute to significant cumulative impacts on biological resources.

Human Environment. Increases to recreation and tourism, while important economically, are expected to be low volume and likely to have minor cumulative effects on heritage resources, land use, socioeconomic, scenic resources, subsistence, and transportation. The project could result in positive effects on the human environment; this is part of meeting the purpose and need of improved safety, enhancing economic development, and enhancing recreational opportunities. Combined with other known projects, there are unlikely to be significant adverse cumulative effects on the human environment. There are no known reasonably foreseeable projects that could contribute to significant cumulative impacts either.

2.4 Activities I am Not Approving

This decision does not approve any action with regard to Segment 3, a conceptual road identified in 1983 that would begin at the end of Segment 2 and extend to Neptune Point, about 6 miles farther east along Passage Canal. The construction of Segment 3 is speculative in nature because it is neither scheduled nor funded. Effects of developing Segment 3 would be considered in a separate document, at an appropriate level of analysis with full public participation, should that project be proposed.

3.0 ALTERNATIVES CONSIDERED

Five alternatives were considered in detail in the EA. They were developed in response to issues and concerns raised by the public, state and federal agencies, and the interdisciplinary team. A key factor in developing alternatives was the presence of an existing road and recreational facilities.

Alternative 1 – No Action. The proposed action would not be authorized. Under this alternative, Segments 1 and 2 (Shotgun Cove Road) would be left in their current state. The road would not be improved, and the CAC gate would remain in place at the CAC property boundary. The bridges at Cove Creek 1 and 2 would not be replaced; current levels of maintenance would continue but the structures would not be enhanced. Existing recreational facilities would not be enhanced. Segment 2 would remain an unimproved road, inaccessible to passenger cars.

This alternative was not selected because it does not meet the purpose and need for the proposed action. Safety problems would remain. No recreational opportunities would be created nor enhanced. No new opportunities for economic development would be realized.

Alternative 2 – Paved Road without Enhancements. This alternative would change the alignment of the existing road in some locations, while reconstructing and improving the road in others. The road would be approximately 2.6 miles long, beginning at the intersection of Blackstone Road and Eastern Avenue, and generally follow the alignment as designed by Ted Forsi & Associates in 1983. The route under this alternative would cut off a major switchback at the top of the hill behind the Buckner Building. Cuts and fills would be

required along Segments 1 and 2 to meet current design standards. The road would end where the current trailhead for the Emerald Cove Trail is located.

Two new stream crossing structures would be installed at Cove Creek 1 and 2. The old bridges would be removed; Cove Creek 1 would be crossed with an arched culvert, while Cove Creek 2 would be crossed with a single span bridge

In Segment 2, the proposed route would follow the existing pioneer access road along much of its length, with minor deviations. The gate installed at the CAC property line at Section 18 would be removed. The stream crossings at Second Salmon Run would be spanned by one bridge, approximately 200 feet long.

In general, the grade would be less than 10 percent, with minimum radius curve of 380 feet. The total road prism width would vary depending on slope. At a minimum, the road would be 40 feet wide including two lanes of asphalt pavement 12 feet wide, and 4 feet of gravel shoulder on each side. In addition, 8 feet of inboard ditch would be included along much of the route. The actual road prism width would vary substantially, depending on the topography. Where the hillslope is steep, the fill slope created on the downhill side of the roadway would be extensive. A guardrail would be installed where required by safety standards.

This alternative was not selected because it does not fully meet the purpose and need for the proposed action. Passenger vehicle safety would be increased on the improved road with a defined road width and smooth surface. Pedestrian and bicycle safety would not be improved. No recreational opportunities would be created nor enhanced. Limited opportunities for economic development would be realized.

Alternative 3 – Paved Road with Enhancements (Selected Alternative). Under this alternative, the route alignment would be the same as under Alternative 2, but there would be several additional actions associated with enhancement of recreation opportunities. These would include a multipurpose path that would parallel the road, various improvements to the Salmon Run picnic area, a scenic viewpoint pullout, and improved parking at the Emerald Cove trailhead.

The path would be open to non-motorized recreation, such as bicycling, inline skating, walking, and jogging. It would add 16 feet to the right of way, including 5 feet of separation between the roadway and the path, an 8-foot-wide path of asphalt pavement, and 3 feet of gravel shoulder on the outside. The total road width, including an inboard ditch, would be 58 feet. As in Alternative 2, a guardrail would be constructed where required by safety standards. In places where fill is required, this would potentially increase the amount of fill (or cut) substantially. The grade of the path would be generally the same as the road grade, but its curvature as well as grade could deviate from it in places. While it would generally be parallel to the road, the pathway could deviate in its alignment in final design, to achieve other objectives, such as avoiding wetlands or reducing visual impacts.

The path would be built from the intersection of Blackstone Road and Cove Creek Road to the end of Segment 2. Blackstone Road, from its intersection with Eastern Avenue (the beginning of Segment 1) to the intersection with Cove Creek Road, has a concrete sidewalk in good condition; the multipurpose path would not be built along this segment.

The refurbishment and expansion of the Salmon Run picnic area would include new picnic tables, shelters, new fire pits, and restrooms. The parking lot would be paved and striped. The scenic pullout would be at the top of the hill east of Cove Creek. This viewpoint would provide views across Passage Canal, back toward Whittier, and out to Prince William Sound. There would be interpretive signs and garbage collection, and parking for three vehicles.

At the eastern end of Segment 2, a turnaround and six parking spaces would be provided, improving the Emerald Cove trailhead. Additional amenities would depend on final design, but could include restrooms, bear-proof waste containers, interpretive signage, and picnic benches.

Alternative 4 – Gravel Surface without Enhancements. This alternative represents a less costly approach to meeting the purpose and need than Alternatives 2 or 3. It would modestly improve the safety and efficiency of a portion of the Whittier road system while allowing for economic development by providing safer access to recreational facilities. Recreation would be enhanced by improving access to the Salmon Run picnic area, the Emerald Cove trailhead, and private facilities.

Under this alternative, the alignment and drainage features would be similar to that under Alternative 2; however, the road surface would not be paved. Rather, a subgrade sufficient for paving would be constructed, and the road would be surfaced with aggregate (gravel). The gravel thickness has not been determined, but would be more than 6 inches. Access to private property driveways would be of similar construction. Existing recreational facilities would not be improved. The gate at the CAC property line at Section 18 would be removed. A multipurpose path would not be constructed.

This alternative was not selected because it does not fully address the purpose and need for the proposed action. Passenger vehicle safety would be marginally increased by improving the pioneer road with a defined road width and changing the surface from a native material surface to a gravel surface. Pedestrian and bicycle safety would not be improved. No recreational opportunities would be created. Recreation sites would be enhanced only by the improved road getting to the recreation sites. Limited opportunities for economic development could be realized due to the limited capacity of the road to carry all categories of traffic.

Alternative 5 – Paved Segment 1 with Some Enhancements. This alternative would consist of upgrading and paving Segment 1 only, and would include a multipurpose path. The multipurpose path would be constructed along Segment 1 only. The two bridges at Cove Creek 1 and 2 would be replaced as in Alternative 2. The Salmon Run picnic facilities would be upgraded to the same level as under Alternative 3. Segment 2 would not be upgraded to allow passenger car travel, and the gate at Section 18 would remain in-place.

This alternative would cost considerably less to build than the other action alternatives, because the amount of road construction would be much less. Additionally, improvement of Segment 1 would be cheaper to implement, since a portion involves modifying the City's existing road system, and the topography is much more gentle terrain.

This alternative was not selected because it does not fully address the purpose and need for the proposed action. Passenger vehicle safety would be increased only along Segment 1 (Eastern Avenue to Cove Creek). Pedestrian and bicycle safety would not be improved along Segment 2 (the pioneer road route). Recreational facility improvements would include the Salmon Run picnic facilities but not

the Emerald Cove Trailhead area. Opportunities for economic development would be limited to the City's existing road system. 

4.0 ADDITIONAL ALTERNATIVES NOT CONSIDERED IN DETAIL

Other alternatives were considered, but were eliminated from detailed consideration. These included:

- 1) Ferry Service to Private Property and Shotgun Cove;
- 2) Shoreline Road Route;
- 3) Alignment Using Existing Cove Creek Road Switchback; and
- 4) Programmatic Economic Development.

I agree with the conclusions regarding these alternatives, as discussed in Section 2.2 of the EA.

5.0 PUBLIC INVOLVEMENT

The Scoping Report, referenced in the EA, and included in the Project Record, contains details of the public participation on this project. To date, the public has been invited to participate in the Shotgun Cove project in the following ways.

Scoping Notice and Postings. The public notice for the project was published on November 2, 4, and 7, 2002. The display advertisement was also published on November 4 and 8, 2002. The mailing list used for distribution of the scoping notice included 56 separate entries. Supplementary contacts were made via e-mail and telephone. Notices were also posted within the City of Whittier. Notice of the project was also included in the Chugach National Forest Schedule of Proposed Actions, which was mailed to approximately 300 individuals and groups, and was posted on the Chugach National Forest website.

Scoping Meetings and Comments. Scoping meetings were held in Whittier on November 19, 2002, and in Anchorage on November 20, 2002. In total, 55 individual responses were received. Overall, people are concerned about the effects of this project on fisheries, wildlife, and recreational users. Many people expressed support for the proposal. Several commenters said that the project and analysis should include the 1983 alignment extending to Neptune Point (Segment 3).

Public Review and Comment of the Environmental Assessment.

On October 31, 2003, the Environmental Assessment was released for a 30-day public review and comment period as provided by 36 CFR 215.3. Copies of the EA were available at the Forest Supervisor's Office in Anchorage the District Ranger's Office in Girdwood, and City of Whittier Offices. A legal Notice of Availability was published in the Anchorage Daily News on October 31, 2003. The Forest received approximately five letters during the review period. These comments are summarized and included with this Decision Notice, along with Forest Service responses, in Appendix A.

The EA continues to be available on the Internet at:

<http://www.fs.fed.us/r10/chugach/pdf/shotgun-cove-ea.pdf>

6.0 FINDING OF NO SIGNIFICANT IMPACT

Based on the interdisciplinary environmental analysis, review of the National Environmental Policy Act (NEPA) (40 CFR 1508.27) criteria for significant effects, and my knowledge of the expected impacts, I have determined that this action does not pose a significant adverse effect upon the quality of the biological or human environment. Therefore, an environmental impact statement (EIS) is not needed.

Context

The proposed action will take place entirely on private land. The potential effects of implementing Alternative 3 will be confined to approximately 2.6 miles of reconstruction of an existing road, a multipurpose path, improvements at the existing Salmon Run picnic area and the Emerald Cove Trailhead, and a new scenic pullout above Passage Canal. The project area is within the greater City of Whittier limits, and contains several low-use roads and buildings. Most of the proposed project involves reconstruction and expansion of existing roads. A total of 1.5 acres of wetlands would be filled, with potential hydrological effects to other wetlands. There would be temporary disturbance of wildlife, recreation, and traffic patterns.

Presence of the improved road would encourage recreational use of the project area, general development of adjacent private lands, and general economic development of the City of Whittier.

Intensity

This determination is based on the following factors:

- In reaching my conclusion of no significant impacts, I recognize that this project is likely to have impacts that are perceived as negative, as well as positive. Perceived negative impacts may include filling of wetlands and positive impacts improved safety and contribution to economic diversification. Mitigation will prevent significant environmental impacts from occurring.
- This action does not pose a substantial question of significant effects upon public health or safety, although it does have benefits to public safety, because the new road would meet accepted safety standards.
- The characteristics of the geographic area do not make it uniquely sensitive to the effects of road reconstruction and operation. The site is on private, state, and City land, a quarter of a mile and further from the edge of the National Forest. Site-specific analysis and review of other similar activities lead me to expect no measurable off-site environmental effects or serious on-site environmental effects.
- Scientific and professional experts consulted agree that the activities can be implemented without significant effects on the environment. Specific mitigation measures were developed between the City, the Forest Service, and the State of Alaska.
- The mitigation and monitoring included in this decision are standard techniques and are not considered highly uncertain nor do they represent unique or unknown risks. They were developed in conjunction with the Corps and the State of Alaska. The proposed project follows an existing road alignment for its entire length. There are no known effects on the human environment that are highly uncertain or involve unique or unknown risks.
- This decision does not set a precedent for future decisions. Any future consideration for extension of the road will need to consider all relevant scientific and site-specific information available at that time and will be subject to additional review and disclosure under NEPA regulations at 40 CFR 1500-1508 at the time they are proposed.

- This action does not represent potential cumulative adverse impacts when considered in combination with other past or reasonably foreseeable actions. There are no known significant cumulative effects between this project and other projects implemented or planned in the area or in areas separated from the affected area of this project as discussed earlier in this document.
- The project area has been inventoried for cultural/historic resources. There are no known cultural/historic resources that would be affected.
- No proposed or listed ETS species will be adversely affected. The physical and biological effects are limited to the existing pioneer road, and staging areas on private land.
- The proposed action is in compliance with all federal, state, and local laws or requirements for the protection of the environment.

7.0 FINDINGS REQUIRED BY OTHER LAWS AND REGULATION

National Forest Management Act

The Chugach National Forest Revised Land and Resources Management Plan (Forest Plan) are in general not applicable to the proposed project, because they govern activities on National Forest System lands and the proposed action would occur on private, City, and state owned lands. The Forest Plan does support economic development and diversification actions of the local communities in Southcentral Alaska, which is consistent with the purposes for the proposed action.

Endangered Species Act of 1973

A biological evaluation (BE) has been prepared (Hart Crowser 2003) to comply with the Section 7 consultation requirements of the Endangered Species Act (ESA). The conclusion of the BE is that the proposed project may affect but is unlikely to adversely affect the listed marine mammal species that may occur in the project area. NOAA Fisheries has been consulted and will review the document and BE. Although NOAA Fisheries has given preliminary concurrence that the project is unlikely to affect any listed species and, therefore, complies with the ESA, final approval would come during the permitting phase of the project.

National Historic Preservation Act of 1966

Heritage resource surveys have been conducted in the project area, following inventory protocols approved by the Alaska State Historic Preservation Officer. Tribal entities, village and regional corporations have been consulted and public comment has been encouraged. The Section 106 review process has been completed and has resulted in a determination of "No Historic Properties Affected" as detailed in the 2nd Amended Regional Programmatic Agreement (# 02MU-111001-076) among the Forest Service, Alaska Region, the Advisory Council on Historic Preservation, and the Alaska State Historic Preservation Officer.

Federal Cave Resource Protection Act

There are no caves in the project vicinity. Therefore, the proposed project is consistent with the requirements, goals, and objectives of the Federal Cave Resource Protection Act.

ANILCA Section 810, Subsistence Evaluation and Finding

ANILCA requires an analysis of potential effects on subsistence resources resulting from National Forest management activities. Section 3.4.6 of the EA, Subsistence, focuses on the three aspects of edible subsistence resources typically included in an ANILCA subsistence analysis: abundance and distribution of the resources, access to the resources, and competition for use of the resources. The analysis determined that, because the project area for the proposed action is not likely to support subsistence resources to a substantial degree, the proposed action would not likely have an effect on the abundance or distribution of subsistence resources. Construction of the proposed project would not result in direct disruption of the local population's access to subsistence use resources during the construction period, and long-term operation would not be expected to have a noticeable effect on access to public lands and waters for the purposes of subsistence hunting, fishing, or gathering activities. Therefore, any effects on existing subsistence resources are unlikely.

Clean Water Act

The proposed project is consistent with the goals and objectives of the Clean Water Act. Water quality would not be significantly affected by

the proposed project. Providing adequate implementation of mitigation measures, the project is expected to maintain the biological integrity and fishable and swimmable goals of the act as they pertain to surface water resources.

In addition, a Section 404 permit would be required from the Corps to protect waters of the United States, including wetlands, from significant adverse effects. Mitigation would be required for any unavoidable adverse impacts. The Corps has been consulted and would appropriately condition the Section 404 permit once the final design has been submitted.

Stormwater discharge permit is required for construction activities that will disturb more than one acre; the proposed action will require a permit. To be covered under the General Permit for Construction Activities, a SWPPP is required. A SWPPP, which is regulated by the ADEC, would demonstrate that all appropriate BMPs would be implemented to prevent sediment and construction-related chemical from entering streams and wetlands.

Clean Air Act

The proposed project is consistent with the goals, objectives, and requirements of the Clean Air Act. Air quality would not be significantly affected by the proposed project.

Coastal Zone Management Act of 1972, as Amended

Under the Coastal Zone Management Act of 1972, proposed projects within the coastal zone must be reviewed for consistency with the state's Coastal Zone Management Plan. The Alaska Division of Intergovernmental Coordination (ADIC) administers the Coastal Zone Management Plan for Alaska and was included in the mailed distribution of the scoping notice for the proposed action. An application for a consistency review will be submitted to the ADIC when project plans are available in sufficient detail to support permit applications.

Magnuson-Stevens Fishery Conservation and Management Act of 1996

After consultation with the NOAA Fisheries and ADF&G Habitat Division, the Forest Service has determined that there will be no

adverse effect to pacific salmon populations or EFH as defined in this act. Construction and operation of the proposed project could affect water quality and use of EFH. However, implementation of relevant and appropriate BMPs would ensure that erosion is minimized, and that surface water runoff is collected and treated before being conveyed to streams along the proposed road route. This is expected to prevent any potential significant effects on water quality or use of EFH.

Executive Order 11988, Floodplain Management

All federal agencies are directed to avoid potential short- and long-term impacts to floodplains and risk of loss of property or life from flooding. There are no flooding problems or floodplains in the project area. Therefore, the proposed action would not adversely affect flooding or potentially increase the risk of loss of property or life from flooding.

Executive Order 12898, Environmental Justice

This executive order requires that all federal agencies shall make achieving environmental justice part of their missions by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations in the United States.

The proposed project is not expected to result in significant adverse changes in the socioeconomic environment of the Whittier area; to the contrary, the project is expected to provide positive short-term and long-term economic benefits through construction and operations employment and payroll, through infrastructure improvements that would support local economic development. Therefore, the proposed action is not expected to have adverse direct or indirect impacts to minority or low-income populations or communities.

Executive Order 11990, Protection of Wetlands

All federal agencies are directed to avoid, minimize, and compensate for impacts to wetlands from proposed projects. The goal of this executive order is to achieve no net loss of wetlands. Compensatory wetland mitigation would be required for this project by the Corps. Therefore, the proposed project is consistent with this executive order.

Executive Order 12962, Recreational Fisheries Improvement

All agencies are directed to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities to the maximum extent allowable by law. The proposed action would not adversely affect fisheries resources. The proposed action would likely promote increased recreational fishing opportunities by providing improved access and facilities at the Salmon Run picnic area. Therefore, the proposed action is consistent with this executive order.

8.0 FEDERAL AND STATE PERMITS

Permits necessary to implement this project will be obtained prior to project implementation. These permits include:

- **Wetlands Fill Permit.** Issued by the Corps under Section 404 of the Clean Water Act;
- **National Pollutant Discharge Elimination System Permit (Stormwater).** Issued by the ADEC under the Environmental Protection Agency;
- **Title 41 Stream Crossing Permit.** Issued by the State of Alaska, Department Natural Resources;
- **Coastal Zone Management Consistency Determination.** Issued by the State of Alaska, Department of Natural Resources;
- **Certificate of Compliance with Alaska Water Quality Standards (Section 401 Certification).** Issued by the ADEC; and
- **Clearance from the State of Alaska Historic Preservation Office.**

9.0 IMPLEMENTATION

If no appeal is received, implementation of this decision, may occur on, but not before, 5 business days from the close of the appeal filing period, pursuant to 36 CFR 215. If an appeal is received,

implementation may not occur for 15 days following the date of the appeal disposition.

10.0 ADMINISTRATIVE REVIEW

This decision is subject to administrative review (appeal) pursuant to 36 FR Part 215. Individuals or organizations that submitted substantive comments during the comment period specified at 215.6 may appeal this decision. The notice of appeal must be in writing, meet the appeal content requirements at 215.14 and be filed with the Appeal Deciding Officer:

Regional Forester, Alaska Region
U.S.D.A. Forest Service
P.O. Box 21628
Juneau, AK 99802-1628
E-mail: appeals-alaska-regional-office@fs.fed.us

Anyone who appeals must provide the Regional Forester sufficient narrative evidence and argument to show why the decision by the Forest Supervisor should be remanded or reversed. At a minimum, the notice of appeal must:

1. State that it is an appeal pursuant to 36 CFR 215.
2. List the name and address of the appellant and, if possible, a phone number.
3. Identify this decision, the Chugach National Forest "Shotgun Cove Road Environmental Assessment", the date it was signed, and the decision maker, Joe Meade, Forest Supervisor.
4. Identify the change or changes in the decision that the appellant seeks, or the portion of the decision to which the appellant objects.
5. State how the decision fails to consider comments previously provided, either before or during the comment period specified in 36 CFR 215.6, and, if applicable, how the appellant believes the decision violates law, regulation, or policy.

The Notice of Appeal, including attachments, must be filed (regular mail, fax, e-mail, express delivery, or messenger service) with the Appeal Deciding Officer at the correct location within 45 calendar days of publication of the legal notice of this decision in the Anchorage Daily News, the newspaper of record for the Chugach National Forest. The publication date in the newspaper of record is the exclusive

means for calculating the time to file an appeal. Those wishing to appeal this decision should not rely upon dates or timeframe information provided by any other source.

Appeals submitted electronically, including attachments, must be in an electronic format compatible with Microsoft Word.

Hand delivered appeals will be accepted at the Regional Forester's Office, 709 W. 9th Street, Juneau, AK during normal business hours (8:00 a.m. through 4:30 p.m.) Monday through Friday, excluding holidays.

Implementation of decisions subject to appeal pursuant to 36 CFR part 215 may occur on, but not before, 5 business days from the close of the appeal filing period.

11.0 CONTACT PERSONS

Copies of the Environmental Assessment can be obtained from the Glacier District Ranger, P.O. Box 129, Girdwood, Alaska, 99587; the Forest Supervisor's Office, 3301 C Street, Anchorage, Alaska, 99520; and City of Whittier Offices. For information on the Environmental Assessment and Decision Notice please call Chuck Frey, Supervisor's Office, Anchorage, at (907) 743-9557. The Environmental Assessment and Decision Notice are also available on the Internet at:

<http://www.fs.fed.us/r10/chugach/>

12.0 SIGNATURE AND DATE

/s/ Joe L. Meade
JOE L. MEADE
Forest Supervisor
Chugach National Forest

January 23, 2004
Date

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